



Swinomish Indian Tribal Community Department of Environmental Protection

11430 Moorage Way - LaConner, WA 98257 - 360.466.7280 - 360.466.1615 fax

CWA SECTION 401 WATER QUALITY CERTIFICATION APPLICATION

Applicants shall be charged a **\$250.00** application fee at the time of application. This application form must be completed even if an accompanying US Army Corp of Engineer's (ACOE) application form (typically a Joint Aquatic Resources Permit Application, JARPA) duplicates this information. Only designated questions may be left blank and refer to attached ACOE application.

☒ I have attached documentation of a pre-filing meeting request submitted at least 30 days prior to this submittal. For more details, see <https://swinomish-nsn.gov/resources/environmental-protection/dep-services/environmental-permits.aspx>

SECTION 1 – APPLICANT AND PROPERTY INFORMATION (attach additional information as necessary)

1. **Owner Name:** Swinomish Indian Tribal Community (US Govt. Holding)

Owner Organization: _____

Owner Mailing Address: _____

City/State/Zip: _____ **Email:** _____

Telephone: () _____ **Cell Phone:** () _____ **Fax:** () _____

2. **Applicant/Authorized Agent Name:** Dan Chow

Applicant/Authorized Agent Organization: Trans Mountain Pipeline (Puget Sound) LLC

Applicant/Authorized Agent Mailing Address: 7815 Shellmont Street

City/State/Zip: Burnaby, B.C. V5A 4S9 **Email:** dan_chow@transmountain.com

Telephone: (604) 268-3008 **Cell Phone:** (604) 238-3000 **Fax:** () _____

3. **Contractor (Company):** Hanging H **Contact:** Mark Rocha

Contractor Address: 1912 S Burlington Blvd, Ste 100, Burlington, WA 98233

Contractor Registration No. _____ **Expires:** _____

Telephone: (360) 726-2334 **Cell Phone:** () _____ **Fax:** () _____

4. **Site Address:** n/a

Allotment # (Trust Land Only): n/a **(Tax) Parcel #:** P20270

Section: 11 **Township:** 34 **Range:** 02

5. **Application/Owner interest in property:** ☐ Owner ☐ Purchaser ☐ Lessee ☒ Other:

List of Other: Utility easement

SECTION 2 – PROJECT INFORMATION

(an attached completed and signed ACOE/JARPA may substitute for answers to this section)

6. Contact information for all adjoining property owners, lessees, etc.

☒ see attached ACOE application ☐ explained below (attach additional sheets as need):

Name	Mailing Address	City, ST, Zip	Tax Parcel
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A.

B.

C.

D.

7. Describe the property's (a) the vegetation & habitat conditions; (b) adjacent property's use; (c) current use; (d) existing structures & their purpose.

☒ see attached ACOE application ☐ explained below:

8. Summarize the overall project; indicate the project's major elements; and describe how you plan to construct each project element including construction methods and equipment to be used.

☒ see attached ACOE application ☐ explained below:

9. Describe the purpose of the proposed work and why you want to perform it at the site.

☒ see attached ACOE application ☐ explained below:

SECTION 3 – DISCHARGE INFORMATION

(this section must be completed, ACOE/JARPA application may NOT substitute for answers to this section)

10. A description of any discharge into Regulated Surface Waters which will or may result from the conduct of the activity, including the biological, chemical, thermal, and other characteristics of the discharge, and the location or locations at which such discharge may enter Regulated Surface Waters.

Water containing elevated levels of suspended solids may be generated during excavation activities in the stormwater ditch. If excavation dewatering is necessary, dewatering water will be directed to an upland area to infiltrate into the ground. Excess water that does not infiltrate will be treated through a combination of settling in place and vegetative filtering to remove suspended solids prior to re-entering the stormwater ditch

11. A description of the function and operation of equipment or facilities to treat pollutants which will or may be discharged as a result of the activity, including specification of the degree of treatment expected to be attained.

Dewatering water will be treated by a combination of infiltration, settling, and vegetative filtering.

12. The date or dates on which the activity will begin and end, if known, and the date or dates on which a discharge will or may take place.

August 14 - Aug 28, 2023.

13. A description of the methods and means being used or proposed to monitor the quality and characteristics of the discharge and the operation of equipment or facilities employed in the treatment or control of pollutants.

If water flow is present, personnel will conduct monitoring both upstream and downstream of the work area at least daily when water is present. Water will be examined visually for the presence of turbidity, oil sheen, suspended sediment, and discoloration. Turbidity will also be measured using a Hach portable turbidity meter. Downstream turbidity will be maintained at no more than 5 NTUs over background (upstream) turbidity when the background turbidity is 50 NTUs or less, or no more than a 10% increase in turbidity when the background (upstream) turbidity is more than 50 NTUs. If any water quality issues occur, environmental personnel will conduct a site inspection and corrective actions outlined in the Environmental Protection Plan will be implemented.

SECTION 4 – OTHER PERMITS AND APPROVALS

14. List other applications, approvals, or certifications required from this or other agencies for any structures, construction, discharges, or other activities described in the application including all approvals or denials already received (i.e. preliminary plat approval, health district approval, building permit, TEPA review, etc.) Also indicated whether work has been completed and indicate all existing work on drawings.

<u>Type of Approval</u>	<u>Issuing Agency</u>	<u>I.D. No.</u>	<u>Date of Application</u>	<u>Date Approved</u>
TEPA DNS	Swinomish Tribe	n/a	2/14/19	3/11/19
Shorelines and Sensitive Areas	Swinomish Tribe	Permit No. 2277	2/14/19	3/11/19
401 WQ Certification (EXPIRED)	Swinomish Tribe	No. 2019-01	2/14/19	7/27/19
404 Nationwide Permit	US Army Corps	NWS-2019-467	5/20/19	8/16/19

The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time. The project proponent hereby certifies that all information contained herein is true, accurate, and complete, to the best of my knowledge and belief. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the officials of the Swinomish Indian Tribal Community the right to enter the above-described location to inspect the proposed or completed work.

Signature of Applicant or Authorized Agent (**REQUIRED**)

May 25, 2023

Date

Please submit this request to Nicole Casper, Water Resources Manager at ncasper@swinomish.nsn.us.

FOR OFFICIAL USE ONLY

Fees Paid?	YES / NO	
Received By: _____	Date: _____	Application Reviewed By: _____

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